

Heller Ehrman White & McAuliffe LLP
Attorney Docket No. 38005-0121

U.S. Serial No. 09/288,719
Roland KONTERMANN *et al.*

R marks

Claims 1-4, 6-18, 23, and 28-29 are pending. Claim 2 is herewith cancelled without prejudice or disclaimer. Therefore, with entry of this Amendment, claims 1, 3-4, 6-18, 23, and 28-29 will remain active in this case. No new matter is added with the amendments which are fully supported by the specification. Further, Applicants reserve the right to file divisional applications claiming the subject matter of the cancelled and amended claims.

Rejections under 35 USC § 112

The prior rejection of claims 1-4, 6-18, 23, and 28-29 under 35 U.S.C. §112, first paragraph, as lacking written description, is maintained in part by the examiner. Applicants acknowledge that in the interview held on November 25, 2003, the Examiner indicated that she was withdrawing this rejection as to all claims, with the exception of claim 2. The examiner alleges that there is no written description for a single-chain multiple antigen-binding molecule which comprises more than two VH-VL constructs.

Without acquiescing in the merits of the rejection, and solely for the purpose of expediting allowance, applicants have cancelled claim 2, thus obviating the rejection.

Applicants have also amended claim 28 so as not to depend from a cancelled claim, in accordance with the Examiner's request. Applicants submit that the amended claims are in condition for allowance and request favorable action thereon.

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CONCLUSION

In view of the above amendments and remarks, applicants respectfully request that all rejections be withdrawn and the case passed to allowance. The Examiner is invited to contact the undersigned attorney for applicants at 202-912-2167 for any reason related to the advancement of this case.

Respectfully submitted,

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